

FILED
Chris Daniel
District Clerk
JUN 12 2012
Time: _____
By _____
Harris County, Texas
Deputy

Page 1 of 8

Cause No. _____

THE STATE OF TEXAS

Plaintiff

v.

FRANK CHIA-CHING LIU,
d/b/a ROYAL SPA,
AN UNLICENSED MASSAGE
ESTABLISHMENT

Defendant

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

JURY DEMANDED

PLAINTIFF'S ORIGINAL PETITION FOR ABATEMENT OF A NUISANCE, APPLICATION FOR
TEMPORARY AND PERMANENT INJUNCTIONS, AND
REQUEST FOR DISCLOSURE

SHORT STATEMENT OF THE CASE

Harris County Attorney Vince Ryan brings this suit on behalf of the State of Texas (State), plaintiff-petitioner (plaintiff), to enjoin and abate common and public nuisances.¹ The State complains that the defendant business known as "Royal Spa," is operating an unlicensed massage parlor for the purpose of prostitution, the promotion of prostitution, and organized criminal activity in the strip center located at 921 W F.M. 1960, Suite 101-C. Royal Spa is owned by defendant Frank Chia-Ching Liu.

The strip center at 921 W. F.M. 1960 is owned by George Naddour, who also leases to Empire Spa and Crystal Relaxation at the same location. In addition, Mr. Naddour owns the after-hours club known as Nite Moves at that strip center. Mr. Naddour, Nite Moves, Empire Spa, and Crystal Relaxation are sued simultaneously, but separately, to abate the common and public nuisance activity that abounds at this strip center.

¹ Tex. Civ. Prac. & Rem. Code § 125.002(a) & § 125.064.

PARTIES

1. The State of Texas is the plaintiff, represented by Harris County Attorney Vince Ryan. The State is exempt from bond and court costs.²

2. The defendant, Frank Chia-Ching Liu, doing business as an unlicensed massage establishment known as “Royal Spa,” may be served with process at 10615 Beechnut St #2114 Houston, Harris County, Texas 77070.

3. The State moves the Court to issue an Order under Tex. R. Civ. P 190.4, setting the temporary injunction hearing as soon as possible after the defendants have been served. And the State asks the Court to issue a docket control order under Tex. Civ. Prac. & Rem. Code § 125.045 – to prevent the continued use or maintenance of the place as a nuisance.

JURISDICTION AND VENUE

4. This Court has subject matter and personal jurisdiction under Tex. Civ. Prac. & Rem. Code § 125.002(a). The defendants are maintaining the property as a common and public nuisance.

5. Venue is proper.³ The real property at issue is located in Harris County, Texas.

DISCOVERY CONTROL PLAN

6. The plaintiff moves the Court to issue a docket control order under Tex. R. Civ. P 190.4, tailored to the circumstances of this specific suit, and setting the permanent injunction hearing as soon as practicable after a reasonable time for discovery. The State also asks the Court to require the defendant to execute a bond – to be conditioned that the

² Tex. Civ. Prac. & Rem. Code § 6.001.

³ Tex. Civ. Prac. & Rem. Code § 15.016 & § 125.002(a).

defendant will not knowingly allow a common nuisance to exist at the defendant's place; and issue an order under Tex. Civ. Prac. & Rem. Code § 125.045 – with reasonable requirements to prevent the continued use or maintenance of the place as a nuisance.

STATEMENT OF FACTS

7. “Royal Spa,” holds itself out as a massage establishment.

8. Harris County Precinct 4 Constable Ron Hickman's Office has cited this unlawful massage establishment a total of 15 times since October, 2011, under at least 2 separate investigations – for violations of Chapter, 455 Occupations Code – involving unlicensed massage services. The last investigation occurred on May 3, 2012. Such violations constitute a common nuisance under Civ. Prac. & Rem. Code § 125.0015(a)(18).

9. Harris County Sheriff Adrian Garcia's Office – Vice Division – has conducted undercover operations at Royal Spa, resulting in 1 arrest for prostitution and 4 arrests for violations of Chapter, 455 Occupations Code – involving unlicensed massage services. at this location. Such violations constitute a common nuisance under Civ. Prac. & Rem. Code § 125.0015(a) (6).

10. The general reputation of this place will also show the existence of this common nuisance.⁴

11. The frequency of the violations described above is prima facie evidence that the defendant business owner, Frank Chia-Ching Liu and the lansowner, Mr.

⁴ Tex. Civ. Prac. & Rem. Code § 125.004(c).

Naddour collectively and knowingly tolerated an unlicensed massage establishment, the prostitution, and promotion of prostitution.⁵

12. “[A] person who maintains a place to which persons habitually go . . . and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance.”⁶ Royal Spa constitutes a common nuisance within the meaning of Tex. Civ. Prac. & Rem. Code § 125.001 et seq. 12.

13. Further, persons who use a place for purposes constituting a nuisance – such as prostitution – violate the nuisance statute, and when identified, may be added as defendants to this lawsuit. **Customers are as liable as the business owner.**

14. Royal Spa knowingly maintains a place where human trafficking regularly occurs, in violation of Tex. Civ. Prac. & Rem. Code § 125.0015(20). “Trafficking” means to transport, entice, recruit, harbor, provide, or otherwise obtain another person by any means. Tex. Penal Code § 20A.01(4). Royal Spa allows pimps to traffic their women inside Royal Spa. And, through force, fraud, or coercion pimps cause these women to engage in prostitution. Royal Spa knowingly receives a benefit from participating in the prostitution trafficking venture. In addition, a person (customer) who knowingly engages in sexual conduct with a trafficked person commits a second-degree felony. Tex. Penal Code § 20A.02(a)(4).

REQUEST FOR TEMPORARY INJUNCTIVE RELIEF

15. Royal Spa is knowingly maintained as an unlicensed massage establishment where prostitution, promotion of prostitution, engaging in organized criminal activity, and other crimes under Chapter 125 of the Texas Civil Practice &

⁵ *Id* at subsection (a).

⁶ Tex. Civ. Prac. & Rem. Code § 125.0015(a).

Remedies Code are committed. As such the property constitutes a common nuisance as defined by Section 125.0015(a) of the Texas Civil Practice & Remedies Code.

16. Royal Spa has failed or refused to abate the nuisance. Defendant is likely to continue to maintain the property as a common nuisance unless restrained by an injunctive order of the Court.

17. Unless the defendant is enjoined from maintaining the property as a common nuisance, irreparable harm will be suffered by the citizens of Houston and Harris County, Texas. The State of Texas has no other adequate remedy at law to prevent the continued maintenance of the property as a common nuisance.

18. The consequences of the above-described unlawful activities at the property, as well as the foreseeable resulting criminal activity associated with these acts, would proximately cause a person of ordinary sensibilities to be substantially frightened, discomforted, annoyed and inconvenienced in the use of any premises surrounding the property.

19. The State requests a temporary injunction. And if, after notice and a hearing, the Court determines that the State is likely to succeed on this suit to abate a common nuisance, the Court shall order reasonable requirements to prevent the use and maintenance of the place as a nuisance and require the defendants to execute a bond. Tex..Civ. Prac. & Rem. Code Ann. § 125.045(a). The bond must be payable to the STATE OF TEXAS at Harris County; be in the amount set by the Court, but no less than \$5,000 nor more than \$10,000; have sufficient sureties approved by the Court; and be conditioned that the defendants will not knowingly allow a common nuisance to exist at that place.

20. If the defendants violate any condition of the bond or any injunctive order by this Court, the Harris County Attorney Vince Ryan shall sue on the bond in the name of the State; and upon a showing of a violation of any condition of the bond or injunctive order, the whole sum of the bond, plus cost and attorney fees, should be ordered forfeited to Harris County, Texas, the originating entity. Subsequent to the bond forfeiture, the Court shall order the place where the nuisance exists closed for one year from the date of the order of bond forfeiture.⁷ In addition, the Court may impose the laundry list of sanctions under § 125.045(b); including cutting off utilities to the place, revoking the occupancy permit, prohibit access through public streets or alleys, limit hours of operation, order termination of the tenant's lease, or any other legal remedy available under the laws of Texas.

REQUEST FOR PERMANENT INJUNCTIVE RELIEF

21. Additionally, the State seeks permanent injunctive relief.

22. If final judgment favors the State, the Court shall grant a permanent injunction ordering the defendant, Royal Spa, 921 W. F.M. 1960, Suite 101-C, to abate the nuisance and be forever enjoined from maintaining or participating in the common nuisance existing on the property. The Court may include in its order reasonable requirements to prevent the use or maintenance of the place as a nuisance.

23. A person who violates a temporary or permanent injunctive order is subject to the following sentences for civil contempt:⁸

- a. fine of not less than \$1,000 or more than \$10,000;
- b. confinement in jail for a term of not less than 10 or more than 30 days;

⁷ Tex. Civ. Prac. & Rem. Code § 125.003(a) & (b).

⁸ Tex. Civ. Prac. & Rem. Code § 125.002(d).

- c. both a fine and confinement.

REQUEST FOR PERMANENT INJUNCTIVE RELIEF

24. Additionally, the State seeks permanent injunctive relief.

VIOLATION OF THE OCCUPATIONS CODE

25. Harris County Attorney Vince Ryan further asks for injunctive relief and a civil penalty of not less than \$1,000.00 or more than \$10,000.00 for each day that Royal Spa operated without a license – as provided under the Tex. Occ. Code § 455.351.

ATTORNEY'S FEES

26. To litigate this case, it was necessary for the State of Texas to secure the services of Harris County Attorney Vince Ryan's Office. Pursuant to Tex. Civ. Prac. & Rem. Code Ann. §125.003, the State requests that defendants be adjudged jointly and severally liable for the Harris County Attorney's reasonable attorney fees, investigative costs, witness fees, court costs, and any other reasonable expenses incurred in bringing this lawsuit.

VERIFICATION

27. A plaintiff-petitioner is not required to verify the allegations set forth in this petition, nor show any proof of personal injury by the acts complained herein. Tex. Civ. Prac. & Rem. Code § 125.002(a).

REQUEST FOR DISCLOSURE

28. Plaintiff requests that the defendant disclose, within 50 days of service of this request, the information or material described in Tex. R. Civ. P. 194.2.

PRAYER

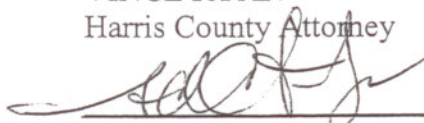
29. The State of Texas, plaintiff-petitioner, respectfully asks that:

a. After notice and a hearing on a request for a temporary injunction, the State asks the Court to order defendants to execute a bond payable to the STATE OF TEXAS at Harris County; be in the amount set by the Court, but not less than \$5,000, nor more than \$10,000; have sufficient sureties approved by the Court; and be conditioned that the defendant will not knowingly maintain a common nuisance to exist at 921 W. F.M. 1960, Suite 101-C.

b. Upon final judgment, the plaintiff asks for court costs, costs of suit, costs of investigation, witness fees, deposition fees, reasonable attorney's fees, and all other relief to which plaintiff may be justly entitled.

Respectfully submitted,

VINCE RYAN
Harris County Attorney



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